

WILLIS M. TATE, JR. AND
DONALD M. COOK

IBLA 72-393

Decided March 5, 1973

Appeal from a decision of the Wyoming State Office, W 33764, rejecting an oil and gas lease offer for failure of the applicants to file a statement of interest.

Affirmed.

Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications:
Sole Party in Interest

In a simultaneous filing procedure an oil and gas lease offer must be rejected where the offeror signed the front of the drawing entry card and another party in interest signed the back without submitting a separate statement describing the nature and extent of their respective interests and furnishing evidence of their qualifications to hold such interests, as required by regulation.

APPEARANCES: Willis M. Tate, Jr., and Donald M. Cook, pro se.

OPINION BY MR. STUEBING

Willis M. Tate, Jr., and Donald M. Cook have appealed from a March 31, 1972, decision of the Wyoming State Office rejecting their noncompetitive oil and gas lease offer W 33764 for failure to comply with the provisions of 43 CFR 3102.7. That section requires that a statement of interest be signed and returned by the offeror and all parties in interest, showing the nature and extent of each party's interest in the lease and furnishing evidence of their qualifications to hold such interest.

Appellant's offer was filed on a drawing entry card in a simultaneous filing procedure for oil and gas leasing on February 27, 1972. Tate, one co-offeror, signed his name on the front of the entry card. Cook, the other co-offeror, signed the reverse side of the card under the heading "OTHER PARTIES IN INTEREST". A note printed on the reverse side of the card prescribed that compliance

must be made with the provisions of 43 CFR 3123. This regulation has been renumbered without any language change as 43 CFR 3102.7. The pertinent part of this regulation provides:

* * * If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. * * *

The appellants failed to file the required statement, and on the basis of this regulation the State Office rejected the offers.

The appellants contend in their statement of reasons that their offer should not be rejected because:

1. Each of us meets the stated government requirements for lease application.
2. The instructions of the application card would indicate that one applicant is to sign the front of the card and, if he is not the sole applicant, the other party is to sign on the reverse side of the card. This is the manner in which we filed.
3. We have been informed by your office that had we both signed on the front of the card, the lease offer would have been accepted. Your office would then have "assumed" equal interest between us as parties to the lease. (This is in fact the agreement between us.)

We are not disposed to speculate on what result might have obtained had both signed the front of an application card (which, in any event, was not done in this instance). The Department has prescribed by regulation the requirements that must be met when the offeror is not the sole party in interest, and it has warned the applicants by means of a note on the reverse side of the offer card that strict compliance with the regulation is required. Rejection

of a lease offer for failure to adhere to the requirements of this regulation is mandatory. James Monteleone, 9 IBLA 53 (1973); Hiroshi Mizogushi, 4 IBLA 249 (1972); Thomas H. Mullinax, 4 IBLA 114 (1971); Richard Hubbard, 2 IBLA 270, 78 I.D. 170 (1971); Leonard V. Chew, 2 IBLA 232 (1971); Gill Oil Co., 2 IBLA 18 (1971); J. S. Enterprises, Ltd., 2 IBLA 9 (1971).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing, Member

We concur:

Joan B. Thompson, Member

Martin Ritvo, Member.

